

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

NATIONSTAR MORTGAGE, LLC,

Plaintiff(s),

v.

SFR INVESTMENTS POOL 1, LLC,

Defendant(s).

Case No. 2:15-CV-1702 JCM (CWH)

ORDER

Presently before the court is plaintiff Nationstar Mortgage, LLC's renewed motion to amend its complaint. (ECF No. 35). Defendant SFR Investments Pool 1, LLC filed a corresponding response. (ECF No. 36). Pursuant to this court's February 21, 2017, order, there will be no reply. (ECF No. 34).

This court's previous order denied plaintiff's prior motion to amend its complaint, finding that the proposed amended complaint was inadequate on its face for failure to specify the parties in the action as well as the court's jurisdiction over those parties. (*Id.*).

Federal Rule of Civil Procedure 15(a)(2) states: "[A] party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." Moreover, "[a] district court determines the propriety of a motion to amend by ascertaining the presence of any of four factors: bad faith, undue delay, prejudice to the opposing party, and/or futility." *Griggs v. Pace Am. Grp., Inc.*, 170 F.3d 877, 880 (9th Cir. 1999). Indeed, "this determination should be performed with all inferences in favor of granting the motion." *Id.* "Where there is a lack of prejudice to the opposing party and the amended complaint is obviously not frivolous, or made as a dilatory maneuver in bad faith, it is an abuse of discretion to deny [a motion to amend]." *Howey v. United States*, 481 F.2d 1187, 1190-91 (9th Cir. 1973).

1 Defendant does not oppose the proposed addition of other parties in the action, but it does
2 oppose the addition of three causes of action against it.¹ (ECF No. 36). With respect to these
3 additional claims, plaintiff indicates that it seeks to supplement its original complaint and court
4 decisions occurring after it filed its original complaint. *See* (ECF Nos. 1, 35). In light of this
5 reason and upon review of the proposed complaint, the court finds the present motion is timely,
6 not motivated by bad faith, not unduly prejudicial to defendant, and not obviously futile. *See* (ECF
7 No. 35).

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's renewed
10 motion to amend the complaint (ECF No. 35) be, and the same hereby is, GRANTED.

11 IT IS FURTHER ORDERED that plaintiff shall file the proposed amended complaint
12 within seven (7) days of the date of this order.

13 DATED March 8, 2017.

14 
UNITED STATES DISTRICT JUDGE

15
16
17
18
19
20
21
22
23
24
25
26
27
28

¹ Defendant also voices other factual clarifications and its positions on various issues of law. (ECF No. 36).